

PEPPER & CORAZZINI

L. L. P.

ATTORNEYS AT LAW

1776 K STREET, NORTHWEST, SUITE 200

WASHINGTON, D. C. 20006

(202) 296-0600

GREGG P. SKALL
E. THEODORE MALLYCK
OF COUNSEL
FREDERICK W. FORD
1909-1986

TELECOPIER (202) 296-5572
INTERNET PEPOR@COMMLAW.COM
WEB SITE HTTP://WWW.COMMLAW.COM

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
MICHAEL J. LEHMKUHL *
SUZANNE C. SPINK *
RONALD G. LONDON *
MICHAEL H. SHACTER
* NOT ADMITTED IN D.C.

December 6, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, DC 20554

Re: In the Matter of
Technical Standards For Digital Television
MM Docket 87-268

RECEIVED
DEC 6 1996
Federal Communications Commission
Office of Secretary

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Transmitted herewith on behalf of International Webcasting Association are an original and four (4) copies of its Comments in the above-referenced proceeding.

Should you or the staff have any questions, kindly contact the undersigned.

Sincerely,


Neal J. Friedman

Enclosures

cc: Chairman Reed E. Hundt
Commissioner James H. Quello
Commissioner Rachelle B. Chong
Commissioner Susan Ness

No. of Copies rec'd
List ABCDE

024

RECEIVED

DEC 6 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Technical Standards) MM Docket 87-268
For Digital Television)

TO: The Commission

COMMENTS OF INTERNATIONAL WEBCASTING ASSOCIATION

1. The International Webcasting Association ("IWA")¹ hereby submits its Comments in response to the Public Notice (FCC 96-465, released November 27, 1996) seeking comments on the Digital TV Standards Agreement ("the Agreement") reached among representatives of broadcasters, equipment manufacturers and the computer industry.

2. IWA supports the Agreement and welcomes this opportunity to introduce itself to the Commission and voice its support for this important step forward in a new and exciting technology. IWA applauds the leadership and vision the Commission in general and Commissioner Susan Ness in particular have displayed in bringing the parties together to forge the Agreement.

3. The initial impact of the Agreement is that it will not slow the development of digital television. More significantly, over the long run the Agreement will allow for the development of new devices - neither computers nor television sets, but a combination of both - that will afford consumers access to digital broadcasts and the Internet. IWA

¹ IWA is a new organization dedicated to assisting individuals and corporations work with the new webcasting (audio, video, data) information environment for the effective and efficient delivery of content over the Internet and other delivery channels. A list of the current members is included as Attachment A.

members are already providing audio and visual programming on the Internet on a regular basis.

4. The rapid growth of the computer industry² and the unprecedented explosion of commercial use of the Internet and online services over the past three years provide ample evidence of the demand for delivery of information and entertainment on new devices that will combine the best attributes of television receivers and personal computers. Allowing the market to set the standard will permit this new technology to develop more rapidly. Moreover, it is consistent with the expressed views of individual Commissioners and the Clinton Administration that the government should not regulate the Internet. As Chairman Hundt recently stated in addressing the question of whether the Commission should regulate Internet telephony: “[W]e shouldn't be looking for ways to subject new technologies to old rules. Instead, we should be trying to fix the old rules so that if those new technologies really are better, they will flourish in the marketplace.” Remarks of FCC Chairman Reed Hundt at Inet '96 Conference, Montreal, Canada, June 28, 1996 (as delivered by Blair Levin, FCC Chief of Staff).

5. IWA believes the Commission and the parties to the Agreement were wise to have elected to permit the market to determine the ultimate standard. Some critics may argue that this could doom the new technology to the fate of AM stereo, which failed to develop after the Commission declined to choose between two competing systems.³ The

² In 1995 more computers were sold than television sets for the first time in history. *Incentive*, November 1995, p. 111 citing Electronic Industries Association report that sales of personal computers would exceed those of television receivers in 1995.

³ Ultimately, the Commission did impose a standard. *Amendment of the Commission's Rules to Establish a Single AM Stereophonic Transmitting Equipment Standard*, 8 FCC Rcd 8216 (1993).

more likely explanation for the failure of AM stereo to develop is not so much that the Commission did not impose a standard, but that the market was simply not interested in stereo AM radio. The superior sound quality of FM radio has driven most AM stations to non-music formats. While the Commission did impose a standard for FM stereo, it is clear that the rapid development of FM radio was due not so much to the imposition of a transmission standard for FM stereo, but that the technology, coinciding with the development of home stereo systems, met an existing consumer demand.

6. The Agreement eliminates the possibility that competing interests will develop systems that will be incompatible and confusing to consumers.⁴ Cooperation among parties to the Agreement will result in rapid deployment of the new technology to the benefit of consumers. Individual entities will continue to compete vigorously on price and quality, which will also serve to benefit consumers.

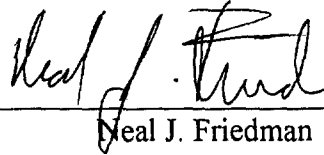
For the forgoing reasons, IWA urges that the Commission accept the terms of the Agreement and complete action on digital television standards by December 31, 1996 as provided for in the Agreement.

⁴ Faced with competing, incompatible systems for the transmission of color television, the Commission imposed a standard as the industry was in its infancy. *Amendment of the Commission's Rules Governing Color Television Transmissions*. 41 FCC 658 (1953).

Respectfully Submitted,

**INTERNATIONAL WEBCASTING
ASSOCIATION**

By

A handwritten signature in cursive script, appearing to read "Neal J. Friedman", is written over a horizontal line.

Neal J. Friedman

Its Attorney

PEPPER & CORAZZINI, L.L.P.

200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20006
(202) 296-0600

December 6, 1996

ATTACHMENT A

MEMBERS OF INTERNATIONAL WEBCASTING ASSOCIATION

Ted Kelly, national director promotion and marketing, CBS Radio
Robert Griggs president, NetRadio Network
Ben Ly, Internet manager, Paxson Communications
Rick Ducey, senior vice president, National Association of Broadcasters
Peggy Miles, president, Intervox Communications
Howard Gordon, president, Xing Technologies
Dave Biondi, president, Broadcast.net
Larry Miller- manager, consulting practice, AT&T Solutions, Media, Entertainment and Communications Industries
Dean Sakai - Station Resource Manager, Electric Village/Principal Sakai Interactive
Yasmin Hashmi, Stella Plumbridge, partners, SYPHA - consulting and publishing firm
Joan Van Tassel, writer